

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 1410/2026

BILAL AHMAD WANI

...Petitioner(s)

Through: Mr. Asif Bhat, Advocate with
Ms Azra Bhat, Advocate

Vs.

**THE VICE CHAIRMAN (LCMA)
AND OTHERS.**

...Respondent(s)

Through:

CORAM:

**HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE**

ORDER

01.07.2026

01. The petitioner seeks a writ of certiorari for quashing and setting aside of order dated 18.05.2026 passed by J&K Special Tribunal Srinagar ["the Tribunal"] in revision petition No. 2025/00024 only to the extent it leaves the petitioner without any effective remedy against the impugned order of sealing of the residential house situated at Nandpora, Srinagar.

02. It is argued by the learned counsel appearing for the petitioner that against the impugned order of sealing dated 01.11.2025, the petitioner had filed a revision petition before the Tribunal, which was dismissed by the Tribunal on the ground that no revision would lie against an order passed by the competent authority under Section 8 of the J&K Control of Building Operations Act, 1988 ["the Act of 1988"].

03. It is submitted that although the Tribunal while dismissing the revision petition also issued directions to the respondents to take a final decision with regard to the alleged illegal construction raised by the petitioner by proceedings under the Act of 1988, yet the respondents for reasons best known to them have failed to initiate any action against the alleged illegal construction or issued order for desealing of construction.

04. It is submitted that the respondents cannot be permitted to keep the property sealed for all times to come without initiating an appropriate action under law.

05. Having heard learned counsel appearing for the petitioner and perused material on record, we are of the considered opinion that this petition can be disposed of by directing the respondents to initiate an appropriate legal action against the petitioner, if he has raised any construction in violation of provisions of the Act of 1988. Ordered accordingly.

06. In any such proposed action, the petitioner shall be given an adequate opportunity of being heard. If upon consideration of the matter and particularly the reply, if any, submitted by the petitioner, it is found that the petitioner has raised the construction of his residential house without permission or in violation of Act of 1988 read with Jammu and Kashmir Unified Building Bye Laws, 2021, appropriate action envisaged under law shall be taken, however, if the competent authority does not find any violation committed by the petitioner in the

raising of construction of his residential house, immediate steps shall be taken to desal the house. Let the entire exercise be undertaken and brought to logical conclusion within a period of two months from the date copy of this order is served upon the respondents.

07. Disposed of.

(Mohd Yousuf Wani)
Judge

(Sanjeev Kumar)
Chief Justice (A)

SRINAGAR:

01.07.2026

"S. NUZHAT"

